

REMARKS

Reconsideration of the subject application is respectfully requested in view of the following comments.

Upon entry of the above amendments, claims 1-23 will remain pending. Claims 24-31 are added.

Claim 9 is amended for clarity and to provide antecedent basis for the polyhydroxy difunctional compound recited in claim 12. Support for the amendment is found, for example, on page 3, lines 26-27.

New claims 24-31 find support throughout the specification, for example, page 10, line 15 to page 11, line 10.

An Information Disclosure Statement with fee is enclosed herewith.

The rejection of claims 1, 2, 4 and 7-23 as anticipated, under 35 USC 102(b), by Harrison, U.S. 5,260,343 (US 343) and the rejection of claims 3, 5 and 6, as obvious, under 35 USC 103(a), over US 343, are respectfully traversed and reconsideration is requested.

As noted from a review of the specification and claims the process as set forth in claims 1-18, the foamed polyurethane of claims 19-20 and 22-23, have the common feature that the polyurethane is a “thermoplastic” polyurethane.

The disclosure of US 343 does not specify a thermoplastic polyurethane and, in fact, based on the examples in columns 7 and 8, Tables 1 and 2, only thermoset or crosslinked polyurethanes are described. That is, in all of the examples, Polyol C comprises tri-functional reactant, trimethylolpropane block copolymer, which the Applicants note would produce a crosslinked, thermoset polyurethane.

The embodiment of the invention as set forth in new claims 24-31 are even further removed from the disclosure of US 343. US 343 does not disclose dry blends of pellets of thermoplastic polyurethane and microspheres nor is there a disclosure of thermoplastic polyurethane bodies wherein polyurethane pellets and microspheres are at least substantially encapsulated by a binding agent.

Accordingly, favorable reconsideration and passage of the application to issue, with claims 1-31 is believed to be appropriate and is respectfully requested.

LIMERKENS *et al.* – Filed July 26, 2001

If for any reason, the application is not yet deemed to be allowable, the Examiner is encouraged to contact the undersigned counsel in order to resolve any remaining issues which may be resolved by a telephonic conference.

Respectfully submitted,

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